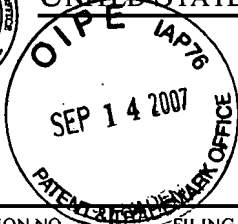




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,337	09/18/2003	John E. Nash	KN P 0125	5437

7590 09/05/2007
Jeffrey C. Kelly
Kensley Nash Corporation
55 East Uwchlan Avenue
Exton, PA 19341

EXAMINER

TRUONG, KEVIN THAO

ART UNIT	PAPER NUMBER
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3734

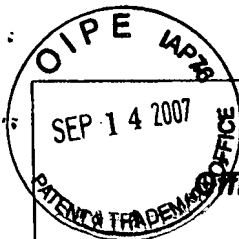
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09/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Office Action Summary

Application No.	Applicant(s)	
10/665,337	NASH ET AL.	
Examiner	Art Unit	
Kevin T. Truong	3734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-87 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/05: 1442/08</u>
<u>3/12/04</u> <u>8/2/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

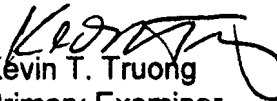
2. Claims 1-87 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-80 and 85-89 of prior U.S. Patent No. 6,905,505. This is a double patenting rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin T. Truong whose telephone number is 571-272-4705. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kevin T. Truong
Primary Examiner
Art Unit 3734

ktt



PTO/SB/08A (08-03)

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/865337
Filing Date	09/18/2003
First Named Inventor	Nash, John E.
Art Unit	3731
Examiner Name	
Attorney Docket Number	KN P 0125

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
W		US- 4775371	10/4/88	Mueller, Jr.	
		US- 5120308	6/9/92	Hess	
		US- 5135483	8/4/92	Wagner et al	
		US- 5209727	5/11/93	Radish, Jr. et al	
		US- 5385152	1/31/98	Abele et al	
		US- 5665103	9/9/97	Lafontaine et al	
		US- 5779721	7/14/98	Nash	
		US- 5836892	11/17/98	Lorenzo	
		US- 5868767	2/9/99	Farley et al	
		US- 5879361	3/9/99	Nash	
		US- 5976153	11/2/99	Fischell et al	
		US- 6017319	1/25/00	Jacobsen et al	
		US- 6074407	6/13/00	Levine et al	
		US- 6080170	6/27/00	Nash et al	
		US- 6093157	7/25/00	Chandrasekaran	
		US- 6126667	10/3/00	Barry et al	
		US- 6135991	10/24/00	Muni et al	
		US- 6217567	4/17/01	Zadno-Azizi et al.	
		US- 6235042	5/22/01	Katzman	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	1 ²
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
W		WO 01/10313	2/15/01	Kensey Nash		
		WO 00/54659	9/21/00	Prolifix Med		
		EP 0806212	11/12/97	Matrix Medical		
		WO 92/21386	12/10/92	Biocompatibles		
		WO 98/04199	2/5/98	Kensey Nash		
		WO 99/21510	5/6/99	Kensey Nash		

Examiner
Signature

W. TRUONG

Date
Considered

11/27/06

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2 of 3

Complete if Known

Application Number	10/665337
Filing Date	09/18/2003
First Named Inventor	Nash, John E.
Art Unit	3731
Examiner Name	
Attorney Docket Number	KN P 0125

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
h		US- 6264672	07/24/01	Fisher	
		US- 6296616	10/2/01	McMahon	
		US- 6319244	11/20/01	Suresh et al	
		US- 6344049	2/5/02	Levinson et al	
		US- 6436056	8/20/02	Wang et al	
		US- 6652480	11/25/03	Imran et al	
		US- 6482217	11/19/02	Pintor et al	
		US- 5900246	05/04/99	Lambert	
		US- 5022553	06/11/91	Pontius	
		US- 5047040	09/10/91	Simpson et al	
		US- 5370651	12/6/94	Summers	
		US- 5462529	10/31/95	Simpson et al	
		US- 5679558	10/21/97	Gobel et al	
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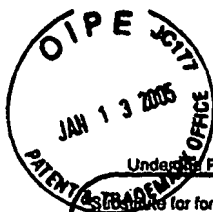
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ³
		Country Code ² -Number ⁴ -Kind Code ⁵ (if known)				
a		WO 00/67647	11/16/00	Scimed Life		

Examiner Signature	<u>[Signature]</u>	Date Considered	<u>11/27/06</u>
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/665337
Filing Date	09/18/2003
First Named Inventor	Nash, John E.
Art Unit	3731
Examiner Name	
Attorney Docket Number	KN P 0125

Sheet 3 of 3

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
✓		Kolodgie et al, Local delivery of ceramide for restenosis: is there a future for lipid therapy?, Circulation Res., August 18, 2000.	
✓		CHARLES et al., Ceramide-coated balloon catheters limit neointimal hyperplasia after stretch injury in carotid arteries, Circulation Res., August 18, 2000, 87:287.	
✓		BONAN, Local drug delivery for the treatment of thrombus and restenosis, J. of Invasive Cardiology, October 1996, 8:399-408.	

Examiner Signature		Date Considered	11/27/04
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08A (08-03)

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 1

of 4

Complete if Known

Application Number 10/665,337

Filing Date 09/18/2003

First Named Inventor Nash, John E.

Art Unit

Examiner Name

Attorney Docket Number KN P 0125

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
h		US- 4445509	05-01-1984	Auth	
		US- 4700705	10-20-1987	Kensey et al.	
		US- 4747821	05-31-1988	Kensey et al.	
		US- 5042984	08-27-1991	Kensey et al.	
		US- 4589412	05-20-1986	Kensey	
		US- 4631052	12-23-1986	Kensey	
		US- 4686982	08-18-1987	Nash	
		US- 4749376	06-07-1988	Kensey et al.	
		US- 4790813	12-13-1988	Kensey	
		US- 5009659	04-23-1991	Hamlin et al.	
		US- 5074841	12-24-1991	Adamovic	
		US- 5282484	02-01-1994	Rager	
		US- 5366463	11-22-1994	Ryan	
		US- 5368603	11-29-1994	Halliburton	
		US- 5402790	04-04-1995	Jang et al.	
		US- 5423742	06-13-1995	Theron	
		US- 5429136	07-04-1995	Mlio et al.	
		US- 5370609	12-06-1994	Drasler et al.	
h		US- 5496267	03-05-1996	Drasler et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁴
		Country Code* Number * Kind Code* (if known)				
h		EP 0353087	01-31-1990	Shiber, Samual		
h		WO 93/00119	01-07-1993	Lake Region Mfg		
h		WO 95/21576	08-17-1995	Microvena Corp		

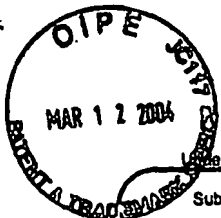
Examiner
SignatureDate
Considered

11/27/06

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number 10/665,337

Filing Date 09/18/2003

First Named Inventor Nash, John E.

Art Unit

Examiner Name

Attorney Docket Number KN P 0125

Sheet 2

of 4

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
✓		US- 5224945	07-06-1993	Pannek, Jr.	
		US- 5030201	07-09-1991	Palestrant	
		US- 4679558	07-14-1987	Kensey et al.	
		US- 4696667	09-29-1987	Masch	
		US- 4762129	08-09-1988	Bonzel	
		US- 4842579	06-27-1989	Shiber	
		US- 4857045	08-15-1989	Rydell	
		US- 4883458	11-28-1989	Shiber	
		US- 4898575	02-06-1990	Fischell et al.	
		US- 4957482	09-18-1990	Shiber	
		US- 5049124	09-17-1991	Bales, Jr.	
		US- 5087265	02-11-1992	Summers	
		US- 5097849	03-24-1992	Kensey et al.	
		US- 5114399	05-19-1992	Kovalcheck	
		US- 5195956	03-23-1993	Stockmeler	
		US- 5267955	12-07-1993	Hanson	
		US- 5273526	12-28-1993	Dance et al.	
		US- 5284468	02-08-1994	Kotula et al.	
		US- 5314407	05-24-1994	Auth et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ³
		Country Code ² Number ⁴ Kind Code ⁵ (if known)				

Examiner
Signature

K. J. Broad

Date
Considered

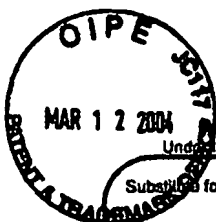
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Sheet	4	of	4	Application Number	10/665,337
				Filing Date	09/18/2003
				First Named Inventor	Nash, John E.
				Art Unit	
				Examiner Name	
				Attorney Docket Number	KN P 0125

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
6		Rotoblator; Heart Technology, Inc	
2		Extraction Atherectomy, Putting Plaque and Thrombus in their Proper Place; Interventional Technologies, Inc.	
3		AngioJet Rapid Thrombectomy System; Possis Medical Inc. Innovations for Life; May, 1996.	
4		Rheolytic Thrombectomy System AngioJet; Possis Medical, Inc. Innovations for Life.	
5		Amplatz Thrombectomy Device, The Clot-Buster; Microvena Corporation.	

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